IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3318 of 2007.

Balu @ Tiger Taya Shinde.. .. Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Vikas Shivarkar, Advocate i/b S.S. Thombre,
Advocate for the applicant.

Mr U. V. Nikam, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 18th October,2007.

P.C.:-

1. Heard learned counsel for the applicant-accused and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No.260 of 2007 registered with Deccan Police Station,Pune for the offence punishable under Section 395 read with Section 34 of the I.P.C.

4. According to the prosecution, the present applicant- accused and other co-accused had cut sandal wood trees standing in the campus of ILS Law College, Pune and when the watchman noticed the theft that was

being committed by the applicant-accused, he was threatened to death by the accused. The accused took away the sandal wood. However, the security guard chased the four accused persons out of whom only two accused(i.e. the present applicant) could be caught raid handed but two of them ran away.

5. Learned counsel for the applicant is seeking bail on parity with that of Santosh Shahaji Patil and another who are enlarged on bail under the order of this Court dated 12.9.2007 passed in Criminal Application No. 2853 of 2007.

6. Having heard the rival parties and having seen the material available on record, prima facie, the ingredients of the offence punishable under Section 395 of the I.P.C. cannot be made out.

7. The learned counsel for the applicant submits that the applicant is already in custody for more than four months. Nothing is recovered from him. Investigation is already complete. The charge-sheet is yet to be filed. The learned APP opposed this application, however, could not take his submission to the logical end.

8. In the above view of the matter,I am inclined to grant bail to the present applicant on following terms and conditions.

a] the applicant accused Balu @ Tiger Taya Shinde @ Lokhande be released on bail in C.R. No.260 of 2007 in the sum of Rs. 10,000/- with one or two sureties in the like amount.

b] the applicant shall report Deccan Police Station,Pune once in a week i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicant shall not pressurise prosecution witnesses and that he shall co-operate the Investigating agency.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant-accused to delay the trial may be a ground for cancellation of bail.

e] The order of bail will be given effect only after the applicant furnishes to the Trial Court the details about his place of residence and address where he proposes to stay after he is enlarged on bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

9. The application is allowed in the above terms.

(V.C. DAGA,J.)